IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
TUESSDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

Writ Petition Nos. 19497 and 23158 of 2004

Writ Petition Nos. 19497 of 2004:

Between:

1. Bondada Gram Panchayat, rep. by its Upa Sarpanch,
   M. Shadrak @ Sekhar, S/o. Korunelu, 32 Years,

R/o. Bondada Village, Kalla Mandal, West Godavari District.
2. M. Shadrak @ Sekhar, S/o. Korunelu,
   32 Years, R/o. Bondada Village, Kalla Mandal, West Godavari

District.

3. Manne Naga Raju, S/o. Pullaiah, 36 years, Member, Ward

No.12, Bondada village, Kalla Mandal, West Godavari District.
4. M.R.K.V. Satyanarayana, S/o. Somanna, 48 years,
   R/o. Bondada Village, Kalla Mandal, West Godavari District.

.....PETITIONERS

AND

1. The District Collector (Panchayat Wing), West Godavari

District at Eluru.
2. The District Panchayat Officer, Eluru, W.G.District.
3. The Bondadapeta Panchayat, rep. by its Village Secretary,
   Village Secretariat, Bondadapeta Village, Kalla Mandal,

W.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a writ of

Mandamus declaring the action of the respondent No.3 as illegal and ultra vires to the provisions of Article 14 of the Constitution of India and also the provisions of the A.P. Panchayat Raj Act and the Rules framed thereunder on the subject from time to time, declaring that the respondent No.3 has no right to take steps to form the water pipeline through the Petitioner Gram Panchayat Via Z.P. Road and Sivalayam Road.

Counsel for the Petitioners:MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1&2 : GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.3: MR. K.V.L.N.NARASIMHA RAO

Writ Petition No. 23158 of 2004

Between:

1. Bondada Gram Panchayat, rep. by its Village Secretary,

Sri S.Venkateswara Rao, Bondada Village, Kalla Mandal,

West Godavari District.

2. Smt.G.Nirmala, Sarpanch, Bondada Gram Panchayat,
Bondada, Kalla Mandal, West Godavari District.

..... PETITIONERS

AND

1. The District Collector (Panchayat Wing), West Godavari District

at Eluru.

2. The District Panchayat Officer, Eluru, West Godavari District.
3. The Bondadapeta Panchayat, Rep. by its Village Secretary,

Village Secretariat, Bondadapeta Village, Kalla Mandal,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, particularly one in the nature of a Writ of Mandamus, declaring the action of the respondent No.3 as illegal and ultra vires to the provisions of Article14 of the Constitution of India and also the provisions of the A.P. Panchayat Raj Act and the Rules framed thereunder on the subject from time to time, declaring that the respondent No.3 has no right to take steps to form the water pipeline through the Petitioner Gram Panchayat via Z.P. Road and Sivalayam Road.

Counsel for the Petitioners: MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1 & 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.3: MR. K.V.L.N.NARASIMHA RAO

The Court made the following :

COMMON ORDER:

Writ Petition Nos.19497 and 23158 of 2004 are filed by Bondada Gram Panchayat, seeking one and the same relief. Writ Petition No.19497 of 2004 is filed by the Upa Sarpanch and three members of the Gram Panchayat representing the Bondada Gram Panchayat. Writ Petition No.23158 of 2004 is filed by the Village Secretary and Sarpanch representing Bondada Gram Panchayat. The relief as claimed in both the writ petitions is one and the same. Therefore, it is suffice to refer the relief claimed in W.P.No.19497 of 2004 and it is thus:

> "For the reasons stated in the accompanying affidavit filed along with the writ petition, this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a Writ of Mandamus, declaring the action of the respondent No.3 as illegal and ultra vires to the provisions of Article 14 of the Constitution of India and also the provisions of the A.P. Panchayat Raj Act and the Rules framed thereunder on the subject from time to time, declaring that the respondent No.3 has no right to take steps to form the water pipeline through the petitioner Gram Panchayat viz. Z.P. Road and Sivalayam Road and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

With the consent of the parties, the main writ petitions are taken up for hearing and they are being disposed of by this order.

Bondada Gram Panchayat and Bondadapeta Panchayat are neighbouring villages. A water pipeline is required to be laid to Bondadapeta Panchayat through Bondada Gram Panchayat. Initially a resolution was passed by Bondada Gram Panchayat, approving the route to lay a drinking water pipeline. Subsequently Bondadapeta Panchayat revised the route and sent requisition to the Bondada Gram Panchayat for approval. The General Body of the Bondada Gram Panchayat considered the same and refused the request with regard to the change of new route of drinking water pipeline. Thus, a dispute arose between the two Gram Panchayats. When a foundation stone has been laid for new route, which travels through Z.P. Road and Sivalayam road, Bondada Gram Panchayat filed the above two writ petitions seeking the relief as stated supra.

Sri V.S.R.Anjaneyulu, learned Counsel appearing for the writ petitioners in both petitions submitted that the change of route was not acceptable to the Bondada Gram Panchayat and the same was communicated to the third respondent viz., Bondadapeta Panchayat and thus, the third respondent would not have proceeded further.

Learned Government Pleader for Panchayat Raj submits that in case of any dispute between two gram panchayats, the same is required to be resolved by the Government under Section 273 of Andhra Pradesh Panchayat Raj Act, 1994, (for short, 'the Act"), therefore, both the writ petitions are liable to be dismissed.

Section 273 of the Act reads as follows:

> "273. **Adjudication of disputes between local authorities**:-(1) When a dispute exists between a local authority and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the

government may take cognizance of the dispute; and

a. Decide it themselves, or

b. refer it for enquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted for the purpose by an order of the Government.

(2) The Reports referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they may deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time, by the Government in such manner as they deem fit, and any such decision with the modification, if any, made therein under this sub-section, may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on all the local authorities concerned and shall not be, liable to be questioned in any court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government."

It is explicit from the above referred provisions of Section 273 of the Act that a dispute between two gram panchayats is required to be resolved by the Government. Since a dispute has arisen between the first petitioner-gram panchayat and third respondent-Gram Panchayat with regard to the laying of drinking water pipeline, the same is required to be resolved by the Government under Section 273 of the Act. Either party is at liberty to approach the Government for adjudication of dispute. Till the adjudication of the dispute by the Government, no further steps can be taken for laying the revised drinking water pipeline through the petitioners-Gram Panchayat.

With the above direction, both the writ petitions are disposed of. No costs.

B.SESHASAYANA REDDY, J.

Dated: 7th June, 2005.

Note:

Issue C.C. within a week.

B/O

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ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The District Collector (Panchayat Wing), West Godavari

District at Eluru.
2. The District Panchayat Officer, Eluru, W.G.District.
3. The Bondadapeta Panchayat, rep. by its Village Secretary,
   Village Secretariat, Bondadapeta Village, Kalla Mandal,

W.G.District.

4. Two C.Cs. to the Government Pleader for Panchayat Raj and

Rural Development, High Court Buildings, Hyderabad. (O.U.T.)

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